

OFFICIAL
OFFICIAL MINUTES
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE MEETING
Thursday, March 26, 2020 – 10:00 am
Via Telephonic Open Meeting Pursuant to Governor’s March 16, 2020,
*Temporary Suspension of Certain Open Meetings Provisions**
Join from PC, Mac, iOS or Android Device:
Meeting URL: <https://texasbar.zoom.us/j/759024475>
Meeting ID: 759 024 475
Telephone Audio or Audio-Only:
877-853-5247 (Toll Free)
Meeting ID: 759 024 475
(Bridge will open at 9:45 am – recording will begin at 10:00 am)
Link to March 26, 2020, Executive Committee Agenda and Materials:
www.texasbar.com/bodmaterials

The Executive Committee met on March 26, 2020, via Telephonic Open Meeting Pursuant to Governor’s March 16, 2020, Temporary Suspension of Certain Open Meetings Provisions. President Randy Sorrels called the meeting to order at 10:0am, and Executive Director Trey Apffel called the roll.

Present: Chair Jerry Alexander, Rebekah Brooker, Alison Colvin, Leslie Dippel, TYLA President Victor Flores, Jarrod Foerster, Immediate Past Chair Laura Gibson*, Charlie Ginn, Wendy-Adele Humphrey, Shelby Jean*, Justice Debra Lehrmann*, Aldo Lopez, Immediate Past President Joe K. Longley, President-elect Larry McDougal, Emily Miller*, TYLA Immediate Past President Sally Pretorius, Dinesh Singhal, President Randy Sorrels, and James Wester.

**Nonvoting member*

I. Remarks from the General Public: There were no remarks from the general public.

II. REPORTS

A. Report from the Executive Director:

Executive Director Apffel reported on recent travels, meetings, and activities. He reported on the SBOT response, operations, and events during the COVID-19 situation. Mr. Apffel gave an update on the 1415 Lavaca property. {EXHIBIT A}

B. Report from the President: President Randy Sorrels reported on recent travels and activities. He reported on member and public service and outreach during the COVID-19 response. He reported that he will be appointing David Calvillo of Houston as the new at-large director at the April board meeting. President Sorrels also reported on (1) the April Board resolution in support of judicial independence, (2) the approval of emergency delegation of authority to the Executive Director to take actions as needed in response to the COVID-19 disaster, and (3) an amicus brief filed by the Family Law Section. {EXHIBIT B}

President Sorrels made a motion that the Executive Committee approve the resolution found in the materials to grant authority to the Executive Director to take emergency actions as needed in response to the COVID-19 emergency. Director Charlie Ginn seconded. No discussion; motion carried.

President Sorrels made a motion that the Executive Committee ratify the Ad Hoc Submission Committee’s decision to grant permission for the Family Law Section to file an amicus brief in *In Re C.J.C* (No. 19-0694) in the Texas Supreme Court. Coming from a committee, no second was needed. No discussion; motion carried.

¹ Enclosures are available at www.texasbar.com/bodmaterials

There were no questions or adjustments to the January 9, 2020, Executive Committee minutes. The minutes were approved by affirmation.

- C. Report from the Chair of the Board: Chair Jerry Alexander provided a communications update which highlighted the SBOT elections, the new custodian designation portal, mandatory bar litigation updates, and member benefits. Mr. Alexander also gave an update on the upcoming chair elections that will be held at the April 2020 board meeting and conducted online through the Board Effect portal.

Chair Jerry Alexander made a motion that the Executive Committee approve the use of online voting for the election of the Board chair during the April 17, 2020, board meeting. Seconded by Director Jarrod Foerster. No discussion; motion carried.

- D. Report from the President-elect: President-elect Larry McDougal reported that the Budget Committee met on December 11 to hear presentations from various State Bar divisions and departments, and that the committee approved the FY 2020-21 budget as presented. {EXHIBIT C}

On behalf of the Budget Committee, President-elect McDougal made a motion that the State Bar's proposed budget for fiscal year 2020-2021 be approved for presentation to the Board and for publication in the March 2020 issue of the Texas Bar Journal. Coming from a committee, no second was needed. Discussion ensued; motion carried.

- E. Report from the Immediate Past President: Immediate Past President Joe K. Longley had no report.

F. Nominations & Elections:

Immediate Past President Joe K. Longley and Immediate Past Chair Laura Gibson reported that Pablo Almaguer of Edinburg and Sylvia Firth of El Paso were selected as candidates for State Bar President-elect. They also reported that there are 10 district director positions up for election this year. The election will begin on April 1 and end on April 30. {EXHIBIT D}

- G. Administration Committee: Director James Wester reported that the committee has been studying the possibility of IOLTA exemptions for advanced flat fees below a certain amount.

- H. Audit & Finance Committee: Director Jarrod Foerster gave an update on financial reports and a general review of financial statements and internal audit reports. {EXHIBIT E}

- I. Insurance/Member Benefits Subcommittee: Director Leslie Dippel provided updates on the Texas Bar Private Insurance Exchange and non-insurance member benefits.

- J. Section Representatives to the Board: Section Representative Emily Miller reported that the Sections Department cancelled 22 CLEs, meetings, and retreats and will be rescheduling Zoom meetings in April. Ms. Miller reported that each section has been asked to develop and document the policies and procedures they use to handle their finances, which will be due May 15. She reported that the Section Representatives to the Board Committee and the leadership of the Council of Chairs have been working on a list of suggested improvements to the Board Policy Manual for sections.

K. Commission for Lawyer Discipline/Chief Disciplinary Counsel Update:

Chief Disciplinary Counsel Seana Willing reported on the CDC's response to COVID-19: all investigatory hearings and evidentiary hearings scheduled for March and April have been postponed until further notice. The CFLD met March 19 via Zoom and CDC staff are all working remotely. Ms. Willing gave an update on the grievance committee appointment process which began in February 2020.

¹ Enclosures are available at www.texasbar.com/bodmaterials

- L. Supreme Court Liaison Report:
Justice Lehrmann reported on the 7 issued emergency orders in response to the COVID-19 disaster and indicated that oral arguments have been postponed.
- M. Texas Young Lawyers Association: TYLA President Victor Flores reported on various TYLA initiatives including “Your Voice Now”, and the new Texas Attorney Wellness website which will launch May 1. He reported that TYLA cancelled their competition and that the April 2020 TYLA meeting will be virtual.
- N. Report from General Counsel: No report.
- O. Report from Legal Counsel: No report.

The Executive Committee recessed at 11:24 am and reconvened at 11:35 am.

- P. **Closed Session: At 11:35 am, the Executive Committee recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Section 551.071 for the purpose of consulting with legal counsel, including regarding all pending or any contemplated litigation (including regarding McDonald et al. v. Sorrels et al (No. 19-cv-00219 in the Western District of Texas), Rosalinda Solis v. Interra Sky 4801 Woodway, L.L.C (No. 2019-18261 in the District Court of Harris County), and LawHQ v. Willing (No. 20-cv-00085 in the Western District of Texas); and Section 551.074 to deliberate regarding personnel matter(s). With the exception of Board liaisons and Section representatives, all other individuals including non-essential staff and other guests excused themselves from the closed session.**

Open Session: At 11:42 am, the open session of the Executive Committee meeting reconvened. During the closed session, only matters relating to consultation with legal counsel concerning contemplated litigation were discussed. No action was taken in closed session.

- Q. Discussion ensued regarding the Bar Exam, law students, and universities.
- R. **There being no further business, the meeting was adjourned at 11:51 am.**